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QUESTION OF THE ELABORATION OF AN INTERNATIONAL CONVENTION AGAINST ORGANIZED TRANSNATIONAL CRIME

Report of the Third Committee

Rapporteur: Ms. Victoria SANDRU (Romania)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 20 September 1996, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-first session the item entitled "Question of the elaboration of an international convention against organized transnational crime" and to allocate it to the Third Committee.

2. The Committee considered the item jointly with items 101 and 102 at its 3rd, 5th to 10th, 12th, 16th and 20th meetings, on 14, 18, 21 to 23, 28 and 31 October 1996. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/50/SR.3, 5-10, 12, 16 and 20).

3. For its consideration of the item, the Committee had before it a letter dated 24 September 1996 from the Minister for Foreign Affairs of Poland addressed to the Secretary-General (A/C.3/51/7).

4. At the 3rd meeting, on 14 October, the Secretary of State and First Deputy Foreign Minister of Poland made an introductory statement (see A/C.3/51/SR.3).

II. CONSIDERATION OF DRAFT RESOLUTION A/C.3/51/L.10

5. At the 16th meeting, on 28 October, the representative of Poland, on behalf of Argentina, Austria, Belarus, Cambodia, Croatia, Georgia, Guatemala, Honduras, Hungary, Italy, Malaysia, Morocco, the Philippines, Poland, the Republic of Korea, Romania, Slovenia, Sweden, Turkey and Ukraine introduced a draft

resolution entitled "Question of the elaboration of an international convention against organized transnational crime" (A/C.3/51/L.10). Subsequently, Belgium, Cape Verde, the Czech Republic, France, Lithuania, Norway, Portugal, Sierra Leone, Slovakia, Spain, the former Yugoslav Republic of Macedonia, the United States of America and Uruguay joined in sponsoring the draft resolution.

6. In introducing the draft resolution, the representative of Poland orally revised it by replacing the words "Member States" in operative paragraphs 1 and 2 with the words "all States".

7. At the 20th meeting, on 31 October, the Committee adopted draft resolution A/C.3/51/L.10, as orally revised, without a vote (see para. 8).

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

8. The Third Committee recommends to the General Assembly the adoption of the following draft resolution:

Question of the elaboration of an international convention against organized transnational crime

The General Assembly,

Recalling its resolution 49/159 of 23 December 1994, in which it approved the Naples Political Declaration and Global Action Plan against Organized Transnational Crime, and bearing in mind the report of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Cairo from 29 April to 8 May 1995, 1/

Taking into account Economic and Social Council resolution 1996/27 of 24 July 1996, entitled "Implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime", in which the Council decided, inter alia, that the Commission on Crime Prevention and Criminal Justice should establish an in-sessional open-ended working group at its sixth session, in particular for the purpose of considering the possibility of elaborating a convention or conventions against organized transnational crime and identifying elements that could be included therein,

Recalling also the Buenos Aires Declaration on Prevention and Control of Organized Transnational Crime, 2/ adopted by the Regional Ministerial Workshop on Follow-up to the Naples Political Declaration and Global Action Plan against Organized Transnational Crime, held at Buenos Aires from 27 to 30 November 1995,

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1/ A/CONF.169/16.

2/ E/CN.15/1996/2/Add.1, annex.

Deeply disturbed by the increasingly alarming threat posed by organized transnational crime to the rule of law, stability and security of States, which calls for an urgent and appropriate response,

Concerned about the growing number and variety of crimes that are being committed by organized criminal groups,

Convinced of the need for closer coordination and cooperation among States in combating organized transnational crime, and bearing in mind the role that could be played by the United Nations and regional and subregional organizations in this respect,

Considering that there is a need to examine the question of the elaboration of an international convention against organized transnational crime,

Taking note of the proposed draft United Nations framework convention against organized crime introduced by Poland, 3/

Bearing in mind the discussion on the question of the elaboration of an international convention against organized transnational crime which took place in the Third Committee during the fifty-first session of the General Assembly,

1. Requests the Secretary-General to invite all States to submit their views on the question of the elaboration of an international convention against organized transnational crime, including, inter alia, their comments on the proposed draft United Nations framework convention, not later than two months before the commencement of the sixth session of the Commission on Crime Prevention and Criminal Justice;

2. Requests the Commission on Crime Prevention and Criminal Justice to consider, as a matter of priority, the question of the elaboration of an international convention against organized transnational crime, taking into account the views of all States on this matter, with a view to finalizing its work on this question as soon as possible;

3. Further requests the Commission on Crime Prevention and Criminal Justice to report through the Economic and Social Council to the General Assembly at its fifty-second session on the results of its work on this question;

4. Decides to continue its consideration of this question at its fifty-second session under the appropriate agenda item.

3/ A/C.3/51/7, annex.